

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARY BETH HARCROW,

Plaintiff,

v.

CLYDE HARCROW, et al.,

Defendants.

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NO. 3:18-cv-00828

JUDGE CAMPBELL

MAGISTRATE JUDGE NEWBERN

ORDER

Pending before the Court is the Magistrate Judge’s Report and Recommendation (Doc. No. 10), recommending the Court: deny without prejudice to refiling Plaintiff’s motion for an emergency hearing and ex parte temporary restraining order (Doc. No. 7); and, to the extent Plaintiff moved for a preliminary injunction, defer ruling on such a motion until after adverse parties have been served and received notice of it, consistent with Rule 65(a)(1). Plaintiff filed a Verified Supplemental Brief Showing Irreparable Harm and Service in Support of Motion for Emergency Relief. (Doc. No. 11).

I. STANDARD OF REVIEW

Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, “only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting


the review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

II. ANALYSIS

If the Court construes Plaintiff’s Supplemental Brief (Doc. No. 11) as objections to the Report and Recommendation, the objections are timely. But even so, Plaintiff’s Supplemental Brief does not lodge specific objections to the Report and Recommendation or otherwise provide a basis to reject or modify the Report and Recommendation.

Having reviewed the Report and Recommendation and fully considered Plaintiff’s Supplemental Brief (Doc. No. 11), the Court concludes that the Report and Recommendation should be adopted and approved. Accordingly, Plaintiff’s motion for an emergency hearing and ex parte temporary restraining order (Doc. No. 7) is **DENIED WITHOUT PREJUDICE** to refiling if appropriate in compliance with Federal Rule of Civil Procedure 65(b)(1) and Local Rule 65.01(c). To the extent Plaintiff has moved for a preliminary injunction, the Court defers ruling on such a motion until after the adverse parties have been served and received notice of it, consistent with Rule 65(a)(1).

It is so **ORDERED**.


WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE